

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
RUDI RIVAS,

Petitioner,

-against-

THOMAS GRIFFIN,

Respondent.

-----X
FEUERSTEIN, District Judge.

On November 18, 2014, Rudi Rivas ("petitioner") filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. For the reasons set forth in this Court's Order ("Order") dated December 3, 2014 (DE 4), petitioner's application for a writ was transferred, as a successive petition pursuant to 28 U.S.C. § 1631, to the Second Circuit Court of Appeals. The Order also directed the Clerk's office to close this case. On December 29, 2014, petitioner filed a motion for reconsideration of the Order pursuant to Local Civil Rule 6.3 (DE 5). On December 31, 2014, petitioner appealed the Order to the Second Circuit (DE 6).

A certificate of appealability will issue only if the applicant has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). For the reasons stated in this Court's Order dated December 3, 2014, petitioner has not demonstrated the denial of a constitutional right. Accordingly, a certificate of appealability shall not issue.

In addition, petitioner's motion for reconsideration of the Order is dismissed without prejudice to renewal upon a decision by the Second Circuit Court of Appeals.

SO ORDERED.

Dated: January 9, 2015
Central Islip, New York

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 09 2015 ★

LONG ISLAND OFFICE

ORDER
14-CV-6828 (SJF)

s/ Sandra J. Feuerstein

Sandra J. Feuerstein, U.S.D.J.